

ASSEMBLY BILL

No. 1264

Introduced by Assembly Member Audra Strickland

February 27, 2009

An act to amend Section 1021 of the Code of Civil Procedure, relating to attorney's fees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1264, as introduced, Audra Strickland. Attorney's fees: objectors.

Under existing law, parties to actions or proceedings are entitled to their costs, as specified. Except to the extent attorney's fees are specifically provided for by statute, the measure and mode of compensation of attorneys and counselors at law is left to the agreement, express or implied, of the parties.

This bill would require that any award of attorney's fees paid in settlement to a professional objector or an objector's counsel shall be approved by the court prior to payment.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that
2 professional objectors, who seek to enter a class action case after
3 a settlement is announced, object to the settlement, and intervene
4 as counsel on behalf of a class member, and then threaten to disrupt
5 the settlement unless the objector is compensated, delay and
6 unnecessarily complicate class action proceedings by requiring
7 court review of purported issues with no merit.

1 SEC. 2. Section 1021 of the Code of Civil Procedure is
2 amended to read:

3 1021. (a) Except as attorney's fees are specifically provided
4 for by statute, the measure and mode of compensation of attorneys
5 and counselors at law is left to the agreement, express or implied,
6 of the parties; but parties to actions or proceedings are entitled to
7 their costs, as ~~hereinafter~~ provided *in this chapter*.

8 (b) *Any award of attorney's fees paid in settlement in a class*
9 *action to a professional objector or an objector's counsel shall be*
10 *approved by the court prior to payment.*

11 (c) *For purposes of this section, a "professional objector" is*
12 *an attorney who challenges attorney's fees and other aspects of*
13 *class action settlements without merit.*